



*Duchesne County Planning, Zoning  
& Community Development  
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**RECEIVED**  
**SEP 08 2009**  
**DIV. OF OIL, GAS & MINING**

September 3, 2009

Mr. Junior Jessen  
Nile Chapman Construction  
PO Box 98  
Roosevelt, UT 84066-0098

RE: Planning Commission Approval of Conditional Use Permit

Dear Mr. Jessen:

At the September 2, 2009 meeting of the Duchesne County Planning Commission a public hearing was held to consider your request for a conditional use permit to extract earth products (gravel pit and rock crusher) on 40 acres of an 80-acre site owned by Whisper Canyon LC, located in the SE ¼ of the NW ¼ and the SW ¼ of the NE ¼ of Section 9, Township 1 South, Range 8 West, on the Tabby Swale Road northwest of Hanna.

After testimony and discussion, the Planning Commission adopted findings to approve the request, subject to the following conditions:

1. Applicant shall control dust and noise so neither becomes a nuisance.
  - a. A dust control plan, approved by the TriCounty Health Department, shall be implemented throughout the course of the operations.
  - b. Applicant shall comply with the construction activity noise time limits of the Nuisance Ordinance if complaints are received about the 6:00 AM to 10:00 PM operating hours proposed.
2. Applicant shall maintain a reclamation bond in effect during the course of the mining operations. The bond shall name the County as a beneficiary to the level of at least \$5,000.00 for the first acre and \$3,000.00 per additional acre to be disturbed at any one time.
3. Applicant agrees to reclaim the site at the conclusion of mining operations in a manner acceptable to Duchesne County and the property owner pursuant to the "Material Pit Finishing" standards attached.
4. Applicant shall provide the county with a copy of the DEQ air quality permit for the crusher prior to operations at this site. The requirements of the DEQ air quality permit shall also be requirements of the Conditional Use permit.

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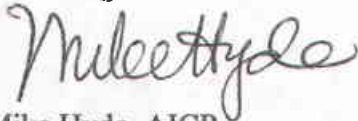
5. Applicant shall provide the county with a load rating analysis for the Tabby Swale Road Bridge over the Duchesne River prior to beginning mining operations. No mining operations shall commence until it is demonstrated by a registered professional engineer that the bridge can support normal loads associated with gravel transport trucks and trailers or until the bridge is upgraded to support such loads.
6. Prior to beginning mining operations, Applicant shall enter into an agreement with the Duchesne County Road Department to ensure that the Tabby Swale Road is improved to safely accommodate gravel truck traffic and maintained in a condition acceptable to the Duchesne County Public Works Director during the course of operations.

If any party who participated in the hearing is aggrieved by the decision, an appeal may be filed with the Duchesne County Commissioners within ten days of the date of this letter. If there is no successful appeal, you have 18 months to activate this permit by starting excavation.

Please provide a copy of your dust control plan to us, as well as to the Utah DEQ and Tri County Health Department, at the addresses listed below, for their review and approval.

If you have any questions regarding this letter, please contact this office.

Sincerely,



Mike Hyde, AICP  
Community Development Administrator

pc: Scott Hacking, Utah DEQ, 281 E 200 North, Roosevelt, UT 84066  
Darrin Brown, Tri County Health Dept., 133 S 500 East, Vernal, UT 84078  
Leslie Heppler, Div. Of Oil, Gas & Mining, P.O. Box 145801, Salt Lake City, UT 84114  
Linda Watson, 42386 W Tabby Swale Road, Hanna, UT 84031  
Rick Stott, HC 63, Box 336, Hanna, UT 84031  
Carl Armknecht, 4504 Abinadi Road, Salt Lake City, UT 84124  
Parley Turnbow, Big Rock Enterprises, 10877 S Clear Creek Drive, Sandy, UT 84070  
Burnell Turnbow, PO Box 314, Tabiona, UT 84072-0314  
Alan White, PO Box 458, Heber City, UT 84032-0458  
Craig Evans, 4347 Walter Court, West Valley City, UT 84120  
Craig Naccarato, 1366 Greenfield Avenue, Salt Lake City, UT 84121-2452  
Travis Iverson, PO Box 343, Tabiona, UT 84072-0343  
Luke Defa, PO Box 335, Tabiona, UT 84072-0335  
Glen Murphy, Public Works Director

## MATERIAL PIT FINISHING

Material pits shall be finished so as to leave a pleasing appearance.

Waste deposits shall be placed in areas the least visible from public view. The material shall be spread so as to obtain a natural appearance.

Topsoil if present, shall be stripped and stockpiles shall be spread over the excavated area as a part of pit finishing.

When excavation has been completed from the pit, all trash shall be removed and excess materials shall be removed, buried, or distributed over the pit areas. The pit shall be graded to approved lines and grades, the topsoil shall be then spread over the area. In general, vertical cuts and sharp corners shall be avoided, Side slopes shall be reasonable flat.

Haul roads constructed by the Contractor and which are to be abandoned, shall be obliterated. Pit will be left in a positive drainage condition.

Where climatic and soil conditions are favorable for plant growth, The Contractor, shall seed the pit, denuded areas around the pit resulting from his operation and obliterated haul roads, with a grass or grasses adaptable to the area and approved by the property owner.